



U.S. Department of Justice

Michael K. Loucks
Acting United States Attorney
District of Massachusetts

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John Joseph Moakley United States Courthouse
1 Courthouse Way
Suite 9200
Boston, Massachusetts 02210

December 29, 2009

Mr. Martin G. Weinberg, Esq.
20 Park Plaza, Suite 1000
Boston, MA 02116

Re: *United States v. Albert Gonzalez*, 09-CR-10382-DPW

Dear Mr. Weinberg:

This letter confirms the amendment agreed to by AUSA Seth Kosto to paragraph 6 of the agreement entered into between your client, Albert Gonzalez, and the U. S. Attorney's Office for the District of New Jersey in the above-referenced case dated November 20, 2009. The underscore added below is intended solely to highlight the change to the text.

The parties agree that Waiver of Appeal provision contained in the attachment is amended as follows.

Waiver of Appeal and Collateral Attack

6. Albert Gonzalez knows that he has and, except as noted below in this paragraph, voluntarily waives, the right to file any appeal, any collateral attack, or any other writ or motion, including but not limited to an appeal under 18 U.S.C. § 3742 or a motion under 28 U.S.C. § 2255, which challenges the sentence imposed by the sentencing court if that sentence of imprisonment does not exceed 300 months (25 years), or, if sentencing first occurs in Crim No 09CR10223-PBS and 09CR1026-PBS, that sentence of imprisonment, to the extent it is not fully concurrent, does not result in a cumulative sentence of over 300 months. This Office will not file any appeal, motion or writ which challenges the sentence imposed by the sentencing court if that sentence of imprisonment is at least 204 months (17 years). The parties reserve any right they may have under 18 U.S.C. § 3742 to appeal the sentencing court's determination of the criminal history category. The provisions of this paragraph are binding on the parties even if the Court employs a Guidelines analysis different from that stipulated to herein. Furthermore, if the sentencing court accepts a stipulation, both parties waive the right to file an appeal, collateral attack,

writ, or motion claiming that the sentencing court erred in doing so.

7. Both parties reserve the right to oppose or move to dismiss any appeal, collateral attack, writ or motion barred by the preceding paragraph and to file or to oppose any appeal, collateral attack, writ or motion not barred by the preceding paragraph.

If this letter accurately reflects the Agreement between the U.S. Attorney's Office for the District of New Jersey and your client, please have your client sign the Acknowledgment of Agreement below. Please also sign below as Witness. Return the original of this letter to Assistant U.S. Attorney Stephen P. Heymann.

Very truly yours,

Carmen M. Ortiz
United States Attorney

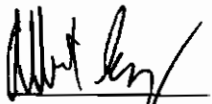
By: 

STEPHEN P. HEYMANN
Assistant U.S. Attorney

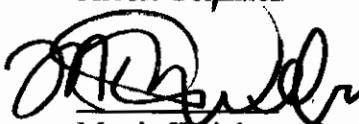
ACKNOWLEDGMENT

I have received this letter from my attorney, Martin Weinberg, Esq., I have read it, and I understand it fully. I hereby accept the terms and conditions set forth in this letter and acknowledge that it constitutes an amendment to the plea agreement I signed with the U.S. Attorney's Office for the District of New Jersey on November 20, 2009. I understand that no additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties.

AGREED AND ACCEPTED:


Albert Gonzalez

Date: 12/29/09


Martin Weinberg, Esq.

Date: 12/29/09